

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ROBERT DURST,

: Plaintiff,

-against-

: Civil Action No.
04 CV 06981 (RMB)

RICHARD SIEGLER, JONATHAN DURST,
and DOUGLAS DURST, individually and as co-
trustees of the Robert Durst Trust u/a Dated
May 1, 1962 and the Robert Durst Trust u/a Dated
December 31, 1962,

: **NOTICE OF MOTION**

: Defendants.

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PLEASE TAKE NOTICE THAT, upon the annexed Declaration of Charles G. Moerdler, sworn to April 29, 2005 and the exhibits attached thereto, and the accompanying Memorandum of Law, Defendants Richard Siegler, Jonathan Durst and Douglas Durst will move this Court, before the Honorable Richard M. Berman, United States District Judge for the Southern District of New York, at the United States Courthouse, 40 Centre Street, New York, NY 10007, on a date and time to be designated by the Court, for an order pursuant to Rule 12(b)(1) of the Federal Rules of Civil Procedure dismissing the Complaint or, in the alternative, to abstain from hearing this action in favor of parallel state proceedings in the New York State Surrogate's Court.

PLEASE TAKE FURTHER NOTICE that, pursuant to the parties' prior agreement, responsive papers, if any, must be served so as to be received on or before May 20, 2005.

Dated: New York, New York
April 29, 2005

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